

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

05 MAY 16 P 3:09

ERIC KELLEY (Plaintiff)

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
# 04-11192-NMG

v.

PLAINTIFFS MOTION  
FOR AMMENDMENT OF  
AND FURTHER VIOLATIONS

SHERIFF DiPAULO et.al, (Defendants)

The plaintiff states that he is a pretrial detainee. He was sent the following state prisons to await trial;

1) M.C.I. Concord (no longer a Reformatory prison).

2) Old Colony Correction Center (High Medium Security) for sentenced inmates (here-after convicts). that either have substantial sentences of a lengthy date(s). or have been removed from other prisons for disruptive behaviour. Plaintiff had noted/documenting enemies and was the victim of deliberate indifference to his safety.

3) Sousa Baronowski Correctional center (Maximum Security) designated for inmates with very long or life sentence or disruptive, violent inmates that have been deemed management problems. (Again he was placed in a enemy perdicament) that constituted deliberate indifference to his safety.

4) M.C.I. Cedar Junction (Maximum Security Penitentiary) the "Infamous" placement for Massachusetts most notorious, violent convicted felons. Again with many forms of deliberate indifference and noted/documenting enemies.

These transfers took place within 37 days.

Amendment (continued)

In that 37 day period;

1) the plaintiff was not given Law Library access (until this motion) 38 days later. the plaintiff represents himself in Comm. V. Kelley # 03-10726 criminal matter and three civil matters.

2) Denial of (free) legal mail. (Access to the courts) and non-compliance with Bounds V. Smith. although plaintiff is indigent (during these transfers) pursuant to Bounds V. Smith he was told he had to wait "60 days" before being allowed access to courts (See Exhibit)

4) Denial of Attorney phone calls. Was told that he was limited to (five) attorney calls, and was denied a P.I.N. number each time and then was the victim of delay until the next transfer.

5) Plaintiff has been transferred to these (State prisons **absent any disciplinary hearings or protocol, thereby denying his Due Process rights.**

See exhibits from Mass. Correctional Legal Services (Atty. Lelie Walker).

PRAYER FOR RELIEF

1) Allow plaintiffs Motions for remand back to County Jurisdiction.

2) \$ 5,000.00 (Five Thousand Per. Day in the "Infamous Prisons. SBCC and Walpole.

3) Federal Injunction prohibiting placement of pre-trial detainees in state prisons without an ORDER of a Superior Court Justice and Due Process as outlined in the language and mandates of MGLA 127 § 52(a).

Respectfully:

  
Eric Kelley (Pro Se)

CERTIFICATE OF SERVICE

I Eric Kelley here-by depose  
that I sent a copy to;

Atty Desmond (for the defendants)  
40 Thorndike St.  
cambridge, mass.

by way of regular Mail (1st.class)  
~~Pursuant to Rule 5.1(h) of the Rules of Court~~

on 5/11/05

Eric Kelley

And a good faith  
notification copy

to: MCLS (Atty. Leslie Walker)

D.O.C. (Atty. [unclear]) Chief Counsel.